

68 Box 23 - JGR/Equal Opportunity in Education - Roberts, John G.:
Files SERIES I: Subject File

THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Revised Morris Abram Letter Concerning
Equal Opportunity in Education

Richard Darman has asked for comments as soon as possible on a revised version of the Presidential letter to Morris Abram. A cover memorandum from Donald Clarey of Craig Fuller's office states that the draft reflects your suggested revisions. This is not entirely true. In your memorandum of April 18 you recommended, inter alia, that "has assured me" be changed to "advises" in the third paragraph. This change has not been made.

The attached memorandum for Darman notes that this change has not been made, but otherwise clears the letter.

Attachment

THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Morris Abram Letter Concerning
Equal Opportunity in Education

Counsel's Office has reviewed the revised version of the proposed Presidential letter to Morris Abram. The revised draft omitted one change recommended in my memorandum on the earlier draft. In the third paragraph, "has assured me" should be changed to "advises," to avoid the erroneous impression that the President and Secretary Bell conferred personally on this matter.

Further, upon reflection I believe that the last sentence of the second paragraph is too confrontational and could be viewed as a challenge to those who would like to see a change in policy and Presidency. Likewise, there may be a court ruling that mandates the enforcement of a "results test" for academic testing, and we don't want the President on record that he will defy such an order. An alternative that avoids this might be:

However, I continue to believe that the Federal Government should not interfere with the use of any academic test or standard on the sole basis of differences in pass-fail rates or any other "results test."

Assuming these changes are made, I have no objection to the letter from a legal perspective.

FFF:JGR:aea 4/19/84 ✓
cc: FFFielding/JGRoberts/Subj/Chron ✓

THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
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SUBJECT: Revised Morris Abram Letter Concerning
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FFF:JGR:aea 4/19/84

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- ☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
 Date Correspondence Received (YY/MM/DD) _____

Name of Correspondent: Richard Daiman

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Craig Fuller's request for revised H.Murphy's
Abram letter concerning equal opportunity
in Education

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOU</u>	ORIGINATOR	<u>84104119</u>			<u>1 1</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>84104119</u>		<u>S</u>	<u>84104119</u>
	Referral Note:			<u>ASAP</u>	
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

ACTION CODES:

A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet
 to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
 B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.


Rec 11 11 S

1984 APR 19 AM 8:25

THE WHITE HOUSE
WASHINGTON

April 19, 1984

MEMORANDUM FOR RICHARD G. DARMAN

FROM: DONALD A. CLAREY 

SUBJECT: Abram Letter

At Craig Fuller's request, I am forwarding to you the Morris Abram letter, as revised by Fred Fielding. Craig feels that these changes are sufficient.

attachment

DRAFT FOR PRESIDENTIAL SIGNATURE

Dear Mr. Abram:

Thank you very much for your letter of April 5th. Secretary Bell advises that the Chancellor of the University of Georgia, Dr. Vernon Crawford, has indicated to the Department of Education that prospects for working out a settlement are very good. Moreover, you may be assured that the terms of any settlement will be consistent with the principles of equal opportunity and educational excellence.

In this regard, I want first to emphasize that, according to Secretary Bell, the Department of Education does not object to the use of Georgia's Regents' Test. My Administration's policy concerning this or any other academic test or standard is clear: America's students deserve and must have both increasingly rigorous academic standards and an equal opportunity to acquire the skills required to meet them. Officials at the Department of Education's Office for Civil Rights have alleged that opportunities to take remedial courses at Georgia's traditionally black college campuses are not equal to those provided at its traditionally white campuses. If true, such a denial of equal opportunity to individuals will need to be corrected. So long as I am President, however, the Federal Government will not interfere with the use of any academic test or standard based on differences in pass-fail rates or any other "results test".

Additionally, Secretary Bell has assured me that the Department of Education has not recommended a special set aside of scholarships available only to students of a particular race. I am accordingly pleased to be able to satisfy this concern raised in your letter. ✓

I would encourage you to meet directly with Secretary Bell and his staff. I understand they feel that the newspaper publicity on this matter has led to more confusion than enlightenment, and are anxious to fully explore the facts with you.

Thank you for raising these issues with me. They are the kind of fundamental concerns that the U.S. Commission on Civil Rights was created to address, and I urge you to continue to hold us accountable for realizing our commitment to assuring the civil rights of all Americans.

Sincerely,

RR

Mr. Morris Abram
Vice Chairman
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

THE WHITE HOUSE

WASHINGTON

April 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: ^{Orig. signed by FFF}
FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Response
to Morris Abram

Counsel's Office has reviewed the above-referenced proposed Presidential reply to Morris Abram. I have no objection to the President providing Abram with a more accurate description of the position of the Department of Education with respect to pending matters concerning the University of Georgia.

The letter should be changed, however, so that it does not convey the false impression that the President has discussed this matter personally with Secretary Bell. In particular, I would change "I have been in touch with Secretary Bell about the matters you raised and have been advised" in the first paragraph to "Secretary Bell advises," and "I have been assured" in the same paragraph to "you may be assured." In the second paragraph, I would change "that Secretary Bell has informed me that" to "that, according to Secretary Bell," and delete "I am informed by Secretary Bell that." In paragraph three, I would change "he has assured me" to "advises."

Furthermore, "no longer objects" in the third line of the second paragraph should be changed to "does not object." Highlighting the change in Education's position in this context suggests that the change was caused by Abram's letter or some action by the President, which is not the case.

Finally, I would revise the last two sentences of the second paragraph, to read as follows: "If true, such a denial of equal opportunity to individuals will need to be corrected. So long as I am President, however, the Federal government will not interfere with the use of any academic test or standard based on differences in pass-fail rates or

any other 'results test.'" As currently written the sentences are too hostile in tone to the allegation of discrimination. The Federal Government is raising that allegation and it may be subject to litigation, and the President should avoid appearing to disbelieve that it could ever be proved. Our suggested revision makes the point that discrimination must be proved without the overkill of the current version. The current language could readily be misinterpreted as hostility to the underlying claim of discrimination.

FFF:JGR:aea 4/18/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Morris Abram Letter Concerning
Equal Opportunity in Education

Counsel's Office has reviewed the revised version of the proposed Presidential letter to Morris Abram. The revised draft omitted one change recommended in my memorandum on the earlier draft. In the third paragraph, "has assured me" should be changed to "advises," to avoid the erroneous impression that the President and Secretary Bell conferred personally on this matter.

Further, upon reflection I believe that the last sentence of the second paragraph is too confrontational and could be viewed as a challenge to those who would like to see a change in policy and Presidency. Likewise, there may be a court ruling that mandates the enforcement of a "results test" for academic testing, and we don't want the President on record that he will defy such an order. An alternative that avoids this might be:

However, I continue to believe that the Federal Government should not interfere with the use of any academic test or standard on the sole basis of differences in pass-fail rates or any other "results test."

Assuming these changes are made, I have no objection to the letter from a legal perspective.

FFF:JGR:aea 4/19/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 19, 1984

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FFF:JGR:aea 4/19/84

cc: FFFielding/JGRoberts/Subj/Chron

Further, upon reflection I believe that the last sentence of the second ~~part~~ paragraph is too confrontational and could be used as a challenge to those who would like to see change in jobbing and Presidency. Thus, an alternative ~~which also avoids~~ likewise, there may be a court ruling that mandates the enforcement of a "results test" ~~on the~~ academic test ~~cases~~, and we don't want the President on record that he will defy such an order. ~~Thus, I~~ An alternative that avoids this might be:

However, I continue to believe that the Federal Government should not interfere with the use of any academic test or standard on the sole basis of differences in pass-fail rates or other "results test".

However, I think it worthy of comment.

THE WHITE HOUSE

WASHINGTON

April 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Presidential Response
to Morris Abram

Richard Darman has asked for comments on a proposed Presidential response to Morris Abram by 5:00 p.m. today. On April 5, 1984, Morris Abram, Vice Chairman of the U.S. Commission on Civil Rights (a Reagan appointee) wrote the President to protest certain actions taken by the Department of Education with respect to the University of Georgia, Abram's alma mater. Abram objected to Education's threat to terminate Federal aid to the university because a test it requires for graduation allegedly has an adverse effect on black students, and to an Education recommendation that scholarship money be set aside for black students. Abram argued that both positions were contrary to established Administration and Justice Department policies.

Craig Fuller has submitted a draft reply, cleared by Secretary Bell, Brad Reynolds, and OMB. The reply notes that the President has been in touch with Secretary Bell about these matters and been advised that Education no longer objects to the test, but only to the relative availability of remedial courses to prepare for the test at traditionally black and traditionally white campuses. The letter also advises that Education does not support a scholarship set aside based on race. The letter concludes by urging Abram to meet with Bell.

Don Clarey, the individual who handled this matter for Fuller, assures me that the White House did not direct Education to alter its positions in response to Abram's letter, but simply obtained more accurate information from Secretary Bell. I have no objection to the President sending a letter correcting Abram's misimpressions about Education's positions. I do, however, have several suggested revisions:

Several passages in the letter convey the impression that the President discussed this matter personally with Secretary Bell, which is not the case. To correct this misimpression,

I would change "I have been in touch with Secretary Bell about the matters you raised and have been advised" in the first paragraph to "Secretary Bell advises," and "I have been assured" in the same paragraph to "you may be assured." In the second paragraph, I would change "that Secretary Bell has informed me that" to "that, according to Secretary Bell," and delete "I am informed by Secretary Bell that." In paragraph three, I would change "he has assured me" to "advises."

I also object to the "no longer objects" language in the first sentence of the second paragraph. In the present context this implies that Abram's letter, or a call from the President prompted by the letter, caused the change, which is not the case. I would simply change "no longer objects" to "does not object."

Finally, in my view -- a view hotly and angrily disputed by Michael Horowitz -- the last two sentences of the second paragraph are too hostile in tone to the allegation of discrimination. As I see it, anyone reading those sentences would get the impression that the President does not believe for a minute that Education can prove that the University of Georgia discriminated in the provision of remedial programs. I would moderate the two sentences to read: "If true, such a denial of equal opportunity to individuals will need to be corrected. So long as I am President, however, the Federal government will not interfere with the use of any academic test or standard based on differences in pass-fail rates or any other 'results test.'" This suggested revision makes the point without overkill.

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Presidential Response
to Morris Abram

Counsel's Office has reviewed the above-referenced proposed Presidential reply to Morris Abram. I have no objection to the President providing Abram with a more accurate description of the position of the Department of Education with respect to pending matters concerning the University of Georgia.

The letter should be changed, however, so that it does not convey the false impression that the President has discussed this matter personally with Secretary Bell. In particular, I would change "I have been in touch with Secretary Bell about the matters you raised and have been advised" in the first paragraph to "Secretary Bell advises," and "I have been assured" in the same paragraph to "you may be assured." In the second paragraph, I would change "that Secretary Bell has informed me that" to "that, according to Secretary Bell," and delete "I am informed by Secretary Bell that." In paragraph three, I would change "he has assured me" to "advises."

Furthermore, "no longer objects" in the third line of the second paragraph should be changed to "does not object." Highlighting the change in Education's position in this context suggests that the change was caused by Abram's letter or some action by the President, which is not the case.

Finally, I would revise the last two sentences of the second paragraph, to read as follows: "If true, such a denial of equal opportunity to individuals will need to be corrected. So long as I am President, however, the Federal government will not interfere with the use of any academic test or standard based on differences in pass-fail rates or

any other 'results test.'" As currently written the sentences are too hostile in tone to the allegation of discrimination. The Federal Government is raising that allegation and it may be subject to litigation, and the President should avoid appearing to disbelieve that it could ever be proved. Our suggested revision makes the point that discrimination must be proved without the overkill of the current version. The current language could readily be misinterpreted as hostility to the underlying claim of discrimination.

FFF:JGR:aea 4/18/84

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1Name of Correspondent: Richard Dorman☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Presidential Response to
MORRIS Abram

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>84,04,18</u>		<u>1/1</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>84,04,18</u>		<u>5:24 PM 1/18</u>
<u>CUAT 17</u>	Referral Note: <u>I</u>	<u>84,04,18</u>		<u>5:00 PM 1/18</u>
	Referral Note:			
	Referral Note:			
	Referral Note:			

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WHITE HOUSE STAFFING MEMORANDUMDATE: 4/18/84 ACTION/CONCURRENCE/COMMENT DUE BY: 5:00 p.m. TODAYSUBJECT: PROPOSED PRESIDENTIAL RESPONSE TO MORRIS ABRAM

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	<u>CICCONI</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
JENKINS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments/edits on the attached proposed response by 5:00 p.m. today. Thank you.

Do you have any problem with the proposed draft response? Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

1984 APR 18 PM 3:55

RECEIVED
1984 APR 18 PM 2:30

THE WHITE HOUSE
WASHINGTON

April 18, 1984

MEMORANDUM FOR THE PRESIDENT

FROM: CRAIG L. FULLER *CF*
SUBJECT: Correspondence from Morris Abram

Morris Abram, a member of the U.S. Civil Rights Commission wrote to you recently concerning actions he understood the Department of Education to be taking against the University of Georgia.

Secretary Bell and the Chancellor of the University of Georgia have been in the process of resolving a very difficult issue concerning the use of a "Georgia Regents Test." At issue is whether use of the test has an adverse effect on the ability of black students to graduate. If some form of discrimination were found to exist, federal funds to the University could be terminated under Title VI of the Civil Rights Act of 1964.

The matter remains under review, but as you can see from the draft response, progress is being made towards a mutually agreed upon solution.

This process involves Education and Justice. Both Secretary Bell and Brad Reynolds have cleared this letter and are working together to resolve the problem. Additionally, OMB has reviewed and cleared the letter.

Recommended action: Sign the attached letter.

cc: Edwin Meese III
James A. Baker III

THE WHITE HOUSE

WASHINGTON

April 18, 1984

Dear Mr. Abram:

Thank you very much for your letter of April 5th. I have been in touch with Secretary Bell about the matters you raised and have been advised that the Chancellor of the University of Georgia, Dr. Vernon Crawford, has indicated to the Department of Education that prospects for working out a settlement are very good. Moreover, I have been assured that the terms of any settlement will be consistent with the principles of equal opportunity and educational excellence.

In this regard, I want first to emphasize that Secretary Bell has informed me that the Department of Education no longer objects to the use of Georgia's Regents' Test. My Administration's policy concerning this or any other academic test or standard is clear: America's students deserve and must have both increasingly rigorous academic standards and an equal opportunity to acquire the skills required to meet them. I am informed by Secretary Bell that officials at the Department of Education's Office for Civil Rights have alleged that opportunities to take remedial courses at Georgia's traditionally black college campuses are not equal to those provided at its traditionally white campuses. If true -- and Department officials must, of course, prove this allegation -- such a denial of equal opportunity to individuals will need to be corrected. So long as I am President, however, you can be assured that all allegations of discrimination will need to be fairly proven, and that the Federal government will not interfere with the use of any academic test or standard based on differences in pass-fail rates or any other "results test."

Additionally, Secretary Bell^e has assured me^e that the Department of Education has not recommended a special set-aside of scholarships available only to students of a particular race. I am accordingly pleased to be able to satisfy this concern raised in your letter.

I would encourage you to meet directly with Secretary Bell and his staff. I understand they feel that the newspaper publicity on this matter has led to more confusion than enlightenment, and are anxious to fully explore the facts with you.

Thank you for raising these issues with me. They are the kind of fundamental concerns that the U.S. Commission on Civil Rights was created to address, and I urge you to continue to hold us accountable for realizing our commitment to assuring the civil rights of all Americans.

Sincerely,

The Honorable Morris Abram
Vice Chairman
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

April 5, 1984

President Ronald Reagan
The White House
Washington, D.C. 20500

Dear Mr. President:

I am a graduate of the University of Georgia. I have learned that the Federal Department of Education has threatened to terminate Federal aid to the University under Title VI of the Civil Rights Act of 1964 because it uses the Georgia Regents Test. In a letter to Governor Joe Frank Harris, dated June 30, 1983, and attached hereto, the Department states that the test has an "adverse effect . . . on the graduation of black students." The Department, however, never asserted that the test was designed with the purpose of discriminating against blacks or that it is an otherwise invalid test. In fact, according to Dr. Vernon Crawford, Chancellor of the Georgia higher education system, the test "measures basic reading and writing skills equivalent to a 10th grade level" as a condition of graduation from the University. The attached article from the March 25, 1984, NEW YORK TIMES provides you with additional information on this matter.

I do not understand why a Federal department which should be dedicated to the elevation of educational standards should be engaged in debasing them. Governor Harris has said that the Department's position on this matter is more burdensome and onerous than that advanced under the last Administration. To his credit, Governor Harris is resisting the overreaching efforts of the Secretary of Education. I am certain that as a former governor who believes in the vitality of the Federal system and who understands the grave dangers to that system posed by an overzealous Federal bureaucracy, you understand how Governor Harris feels about this issue. I urge you to reverse the Secretary's position.

April 5, 1984

I accepted an appointment as Vice Chairman of the United States Commission on Civil Rights because I believe, as you, that the use of racial preferences as a remedy for discrimination is an abhorrent practice. Your Attorney General and Department of Justice have opposed the use of such preferences in legal proceedings. Accordingly, I do not understand how the Secretary can recommend that a university set aside a certain amount of scholarship money only for black students. While it might be proper to require the university to increase its scholarship efforts to reach more students, such funds should be available without regard to race in any remedial scheme. (I have highlighted these two portions of the addendum attached to the letter to Governor Harris.)

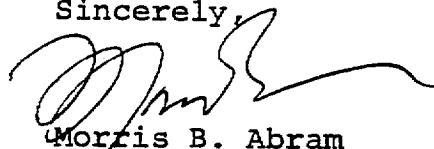
These two recommendations, reflecting a racially preferential policy, contradict the position of your Department of Justice with which I am in agreement. Secretary Bell, if asked about each of these matters, might describe these positions of his Department as far less offensive than I am describing them. I would respectfully submit, however, that there is no proper way that his position on the Georgia Regents Test and racially preferential remedies comports either with sound civil rights and education policy or the position of the Department of Justice.

I feel sure that the actions of the Department of Education reflect views of an entrenched bureaucracy which persists in a color-preferential social policy at the expense of sound educational values.

As the Vice Chairman of the Commission on Civil Rights and as a former President of a university (Brandeis), I believe that the country needs your leadership expressly in this case towards a colorblind interpretation of the Constitution and educational excellence. I would be ever so grateful for your reaction.

With respect, I am

Sincerely,



Morris B. Abram

pmf
Enclosures

P.S. I have just received the within letter from the Chancellor of the University System of Georgia, which explains more clearly than I the vice of the demands made by the Department of Education against the University System of Georgia.